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PART III.

ACTS AND REGULATIONS PASSED BY THE GOVT. OF MYSORE.

GOVERNMENT OF MYSORE.

LEGISLATIVE DEPARTMENT.

REGULATION NO. I OF 1896.

(Passed on the 18th day of February 1896).

A Regulation to provide for the appointment of a Special Tribunal to pass final judgment in the matter of the claim of Brijalal Dass against the Government of Mysore.

Preamble.

WHEREAS by an Award, dated 23rd December 1864, passed by Captain Elliot, C. B., Officiating Superintendent of the Ashtagram Division, and J. C. Campbell, Esq., Durbar Surgeon, appointed by the Commissioner of Mysore, with the approval and under the direction of the Supreme Government, to adjust all claims preferred against H. H. the Maharaja Krishnaraja Wodayar III, a sum of Rs. 5,67,338-15-1 was ordered to be paid, in full satisfaction of all demands, to the late Brijalal Dass, heir and legal representative of the late Damodar Dass, and whereas no claim of a legal nature for the recovery of the said sum subsists against the Government of Mysore, but nevertheless that Government are desirous of making a free grant of the said sum to such individual or individuals as may be declared by a competent Tribunal to be the heirs and legal representatives of the said Brijalal Dass, subject to such trusts and conditions as are attachable to such grant in justice, equity and good conscience, and whereas the Government of Mysore has, in pursuance of this desire, issued a Notification No. C 42, dated, Mysore, 4th October 1895, calling upon all persons wishing to claim the said sum of Rs. 5,67,338-15-1 to file their claims in the Office of the Registrar of the Mysore Chief Court and declaring their intention to constitute a Special Tribunal for the adjudication of such claims; Her Highness the Maharani-Regent is pleased to enact as follows:—

1. (1) The Government of Mysore shall constitute by Notification in the Official Gazette a Special Court appointing two Commissioners as Judges of such Special Court.

(2) The said Special Court shall have power, subject to the provisions of this Regulation, to try and determine and pass final judgment,

(*a*) As to the person or persons, if any, to whom as the heirs and legal representatives of the said Brijalal Dass the sum of Rs. 5,67,338-15-1 (Rupees five lakhs sixty-seven thousand three hundred and thirty-eight, Annas fifteen and Pie one) referred to in the Preamble to this Regulation should be paid,

and (*b*) As to any conditions and trusts which in justice, equity and good conscience should be attached to any such payment as aforesaid.

(3) In the case of the death, resignation, or incapacity of a Commissioner appointed under this Section, the Government of Mysore shall appoint a successor to him by Notification in the Official Gazette.

Consequence of failure to act up to the Notice referred to in the Preamble.

2. The said Special Court shall not entertain any claim which has not been duly preferred within the time and in the manner specified in the Notification referred to in the Preamble to this Regulation, and all claims not so preferred shall for ever be regarded as having lapsed and become incapable of being revived in any form whatsoever.

Power to Commissioners to require the production of documents relating to claims preferred.

3. It shall be lawful for the said Special Court to demand and require the production of any writs, decrees, judgments, records, deeds, documents, exhibits, pleadings, books, accounts, letters, petitions, papers or writings relating to the claims preferred before it, or which may be considered material to the enquiry before it, in the custody or control of any person, Judge or Court; and upon notice being given to such person, Judge or Court or to any officer or person connected therewith, such writs, decrees, judgments, records, deeds, documents, exhibits, pleadings, books, accounts, letters, petitions, papers or writings in the said notice mentioned shall be immediately given up to the said Special Court in the manner directed by the said Notice, any Act, Regulation, usage or custom to the contrary in anywise notwithstanding.

Power to Commissioners to summon witnesses, &c., as under the Civil Procedure Code.

4. It shall be lawful for the said Special Court to summon witnesses and to take evidence, and, for that purpose, to enforce the attendance of witnesses and compel the production of books, accounts, papers, deeds or other documents by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure, and to inflict a fine not exceeding Rupees one hundred for disobedience to any order made under this section.

Power to Commissioners to administer oath.

5. The said Special Court may administer oath or affirmation, in such form as it may think fit, to any person examined before it, touching any of the matters enquired into under this Regulation.

Investigations conducted by, and statements made before, Commissioners to be 'Judicial Proceedings' and 'evidence,' respectively, within the meaning of the Indian Penal Code.

6. Every investigation conducted by the said Special Court with reference to any claim preferred before it under this Regulation, or to any matter connected with any such claim, shall be deemed to be a 'Judicial Proceeding' within the meaning of the Indian Penal Code. And every statement made by any person examined by or before the said Special Court, with reference to such investigation, whether upon oath or otherwise, shall be deemed to be 'evidence' within the meaning of the same Code.

Proceedings of the Special Court how conducted.

7. (1) The proceedings of the said Special Court shall be conducted in accordance with the provisions of the Civil Procedure Code (Regulation II of 1884) relating to the trial of Original Suits.

(2) The said Special Court shall ordinarily hold its sittings at Bangalore.

(3) The Government of Mysore shall appoint an officer as Registrar of the said Special Court, and such Registrar shall exercise such powers and discharge such duties, of a ministerial nature, as the said Special Court may, from time to time direct.

8. Where it is necessary for the said Special Court to decide any question regarding succession, inheritance, marriage, or caste, or any religious usage or institution,

The law to be applied by the Special Court in deciding claims.

(*a*) the Hindu Law, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by Legislative Enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the said Special Court shall decide according to justice, equity and good conscience.

9. (1) No claim which is preferred to the said Special Court under this Regulation shall be rejected on the ground of the ordinary "Law of Limitation" applicable to it.

Claims not to be rejected on the ground of limitation.

(2) No stamps shall be leviable upon claims or documents filed by claimants before the said Special Court.

Exemption from Stamp duty.

10. Should there arise any difference of opinion between the two Commissioners composing the said Special Court upon any material point in issue, the same shall be submitted through the Mysore Government for the decision of the Government of India, and the judgment of the said Special Court shall follow such decision as the Government of India may intimate.

Procedure to be adopted when the Commissioners differ.

11. The cost of the said Special Court shall be defrayed in the first instance by the Mysore Government, and shall ultimately be met in such manner as the Government of India may decide on a recommendation to be made in this behalf by the Special Court.

Payment of the cost of the Special Court.

12. The said Special Court shall submit its final judgment in accordance with this Regulation to the Government of Mysore, and thereupon its duties and powers under this Regulation shall cease and determine.

The Commission to cease after final judgment.

13. The Government of Mysore shall in due course carry out the final judgment of the said Special Court, and before making any payment or other disposal directed by such judgment shall make such arrangements and obtain such guarantees, as it may think proper, for the due fulfilment of such conditions and trusts as may be set forth in the final judgment of the said Special Court.

Government of Mysore to carry out final judgment.

14. No Civil Court shall exercise jurisdiction in respect of the said sum of Rs. 5,67,338-15-1 [Rupees five lakhs sixty-seven thousand three hundred and thirty-eight, Annas fifteen, and Pie one], or any portion thereof, or in respect of any payment made or act done in the carrying out of the provisions of this Regulation, or of the terms of final judgment of the said Special Court.

Bar of Civil Suits.

K. SHESHADRI IYER,
Dewan of Mysore.